

Michigan Association of Circuit Court Administrators

President
DeVona Jones
Trial Division Administrator
9th Circuit Court
227 W. Michigan Avenue
Kalamazoo, MI 49007
269-384-8253

Vice President
Kevin J. Bowling
Court Administrator
20th Circuit Court
12120 Filmore St.
West Olive, MI 49460
616-786-4123



Secretary
Charles Adkins
Court Administrator
4th Circuit Court
312 S. Jackson Street
Jackson, MI 49201
517-768-8565

Treasurer
Patricia A. Steele
Circuit Court Administrator
14th Circuit Court
990 Terrace Street
Muskegon, MI 49422
231-724-6323

March 1, 2007

Corbin R. Davis, Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2006-40

Dear Justices of the Michigan Supreme Court:

I am writing on behalf of the Michigan Association of Circuit Court Administrators to comment on the proposed amendment of MCR 2.222 on changes of venue.

We believe that the spirit of the proposed amendment tries to avoid the jurisdictional gap some cases fall into after a motion for change of venue is granted but before the new court is vested with jurisdiction.

We do not feel, however, that the proposed language is the best way of eliminating the jurisdictional gap.

The amendment requires a party to file, argue and win a motion for change of venue. Before an order is entered, however, the party must go to the court to which venue is to be changed and pay the statutory filing fee for that court. The new court does not have a case number against which the statutory filing fee can be receipted. In order to receive a payment of this type, the new court will have to place the money into some type of trust account until such time as the case documents are forwarded by the transferring court. Later on, more clerical work and accounting is required in order to match the payment to the case documents, open a case and account for the money. This process creates unnecessary work for the courts.

A simpler way would be to require a party moving for a change venue to tender a negotiable instrument, payable to the court to which the case is to be transferred, at or

before the time the order changing venue is entered. The transferring court can then send the instrument with the case documents so that the new court does not have to engage in special handling of the transfer. The new court can open the case immediately and immediately has jurisdiction.

Another way of handling this situation would be court rule language that transfers the case immediately upon entry of an order changing venue, but requires the party moving for transfer to pay the fee to the new court within a certain number of days (reasonably short). If the fee is not paid within the court rule time period, the court rule should provide that the transferring court dismiss the claim(s) of a non-compliant plaintiff or enter a default against a non-compliant defendant. This method requires more handling than the first, but at least does not cause the confusion of receipting payments when there is no case to receipt against.

Thank you for the opportunity to comment.

Sincerely,

DeVona Jones,
President